

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

DELTA BANK,	:	
	:	
	:	
Plaintiff,	:	Civil Action No. 12-6688 (SRC)
	:	
v.	:	OPINION & ORDER
	:	
ALEXANDER MALAMUD and MARTA MALAMUD,	:	
	:	
	:	
Defendants.	:	

CHESLER, U.S.D.J.

This matter comes before the Court on Plaintiff Delta Bank's application for an Order to Show Cause why an injunction should not be issued, pursuant to Federal Rule of Civil Procedure 65, to restrain Defendants Alexander and Marta Malamud from disbursing and/or misappropriating funds or assets from funds loaned by Delta Bank. The Court has reviewed the papers filed by Plaintiff in support of its application for an Order to Show Cause and concluded that Plaintiff has not demonstrated, pursuant to Local Civil Rule 65.1, that its request should proceed in an expedited fashion, or that the issuance of an ex parte Order is justified. Local Civil Rule 65.1 states that "no order to show cause to bring on a matter for hearing will be granted except on a clear and specific showing by affidavit or verified pleading of good and sufficient reasons why a procedure other than by notice of motion is necessary."

Plaintiff's supporting affidavits indicate that the matter in dispute here has been the subject of proceedings in London's High Court of Justice, Queens Division, dating at least as far

back as May 2012. Given that the core of this dispute has been ongoing for at least six months, Plaintiff has not convincingly demonstrated why the preliminary injunction cannot be adequately heard under a normal briefing schedule.

The Court will therefore deny Plaintiff's application for an Order to Show Cause. Provided that Defendants are properly served with the summons, complaint, and moving papers, Plaintiff may re-file its application for a preliminary injunction pursuant to Local Civil Rule 7.1.

For these reasons,

IT IS on this 13th day of November, 2012

ORDERED that Plaintiff's application for an order to show cause [docket entry 5] be and hereby is **DENIED**; and it is further

ORDERED that Plaintiff's motion for a preliminary injunction [docket entry 5] be and hereby is **DENIED WITHOUT PREJUDICE**.

/s Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge